

DISCUSSION OF THE CLAIMS

Claims 1-32 are pending in the present application. The claims are amended for matters of form and/or clarity. For example, independent Claim 4 is amended to remove recitation of “an amine”. Claim 4 is further amended to expressly recite formulas for the particular alcohol-type compounds which may be used to make the claimed triazine carbamate. Support for the amendment is found in the previously presented claims.

No new matter is added.

REMARKS

Applicants thank Examiner Bala for the helpful and courteous discussion of March 29, 2011. During the discussion that Examiner suggested providing additional explanations with respect to the structure of the acrylate materials recited in Claim 5 (see further discussion herein).

Claims 4-7 and 12 are amended herein to recite “a compound containing a hydroxyl group and at least one methacryloyl or acryloyl group...”. The previous recitation of an amino group is now removed from the present claims. Claim 4 is further amended to recite a compound having a particular formula. Applicants submit the amendment to the claims overcomes the rejection of the claims under 35 U.S.C. §112, second paragraph for indefiniteness and/or failing to comply with the enablement requirement.

In paragraph no. 3 on page 5 of the February 16, 2011 Office Action, the Office puts forth a different basis for rejecting Claim 5 as indefinite. The Office appears to be of the opinion that components such as polyether(meth)acrylate do not include a methacryloyl group. The Office appears to interpret the compound recited in Claim 3 as a compound that is a polymer of acrylic acid. Applicants submit that this interpretation is not correct. In fact, a polyether(meth)acrylate is simply an acryloyl group in which the group “R” is a polyether group. A polyether(meth)acrylate may have a polymerized ether section but this compound does not otherwise have any polyacrylate group. The same is true for the polyesterol(meth)acrylate, urethane(meth)acrylate and epoxy(meth)acrylate. Each of these compounds is an acryloyl group that is functionalized with one of a polyesterol, urethane or epoxy group.

Applicants thus submit that the particular acryloyl-containing groups of Claim 5 are readily recognized by those of skill in the art as including an acryloyl group meeting the requirements of the present claims.

Further in this regard Applicants draw the Office's attention to paragraph [0030] of the PG publication corresponding with the present application, i.e., U.S. 2007/020801. The original specification incorporates by reference four different European patents that describe the particular components recited in Claim 5; namely, EP-A154105 (see also US 6,107,362); EP-A2279303 (see also US 5,602,191); EP-A1-686621 (see also US 5,096,938); and EP A1921168. The US '362 patent shows that a polyhydric compound can be reacted with an acryloyl compound with only 90% acryloyl groups based on the number of OH groups. Applicants submit the resulting compound would have both hydroxyl and acryloyl groups.

The US '191 patent clearly describes the formation of hydroxyl-containing acryloyl-functionalized polyesters by reacting hydroxylated polyesters with acryloyl group-containing compounds (see for example column 4, lines 4-18 and 44-50). Corresponding hydroxylated urethanes can likewise be formed by reacting and/or partially hydrolyzing a urethane (or isocyanate precursor) then reacting the hydroxylated compound with an acryloyl compound in a molar ratio such that the hydroxyl compounds are present in an excess.

Applicants submit that those of skill in the art recognize that any of a polyether (meth)acrylate, polyesterol (meth)acrylate, urethane (meth)acrylate and epoxy (meth)acrylate can be made by reacting a hydroxylated polyether, polyesterol, urethane and/or epoxy with an acryloyl-containing compound in a molar ratio such that an excess of hydroxyl groups are present. The resulting esterified product will have both hydroxyl and acryloyl group.

Applicants thus submit that the subject matter of Claim 5 is not indefinite in the manner alleged by the Office.

Applicants submit the amendment to the claims likewise overcomes the rejection under 35 U.S.C. §112, second paragraph for lack of enablement. Removal of recitation of an amino group-containing compound from the claims is believed to obviate the rejection.

For the reasons stated above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112.

CLAIM OBJECTION

The Office further rejected Claim 4 under 37 C.F.R. § 1.75 on page 12 of the Office Action. Claim 4 is now drawn to a composition containing a 1,3,5-triazine carbamate. The claimed composition is obtained according to the process recited in Claim 4. Applicants submit that Claim 4 is not a duplicate of Claim 1 at least for the reason that Claims 1 and 4 are drawn to a compound and a composition respectively.

Applicants respectfully request withdrawal of the objection to Claim 4.

OBVIOUSNESS-TYPE DOUBLE PATENTING

Applicants submit concurrently herewith a Terminal Disclaimer over co-pending application 10/593,308.

The filing of a Terminal Disclaimer is not an admission of obviousness. As stated by the Federal Circuit:

...in legal principle, a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection. It is improper to convert the simple expedient of "obviation" into an admission or acquiescence or estoppel on the merits.

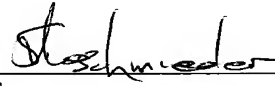
See *Ortho Pharmaceutical Corp. v. Smith*, 22 USPQ2d 1119, 1124 (Fed Cir. 1992).

Applicants submit the amendment to the claims and the filing of the Terminal Disclaimer places all now-pending claims in condition for allowance.

Applicants respectfully request the mailing of a Notice of Allowance.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "R. Treanor", is written over a horizontal line.

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